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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,750	06/30/2000	Mario Nemirovsky	P3815	2165

24739 7590 07/21/2003

CENTRAL COAST PATENT AGENCY
PO BOX 187
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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 07/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/608,750

Applicant(s)

NEMIROVSKY ET AL.

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,634,015 to Chang et al.

As to claim 1, Chang teaches Background Event Buffer Manager (Generic Adapter Manager 18 Col. 10 Ln. 33 – 67, Col. 11 Ln. 13 – 47), a Data Processing System (Generic High Bandwidth Adapter Col. 9 Ln. 45 – 49), Events (“packets... Col. 10 Ln. 33 – 67), a Processor (Processor Subsystem (P) 14 Col. 9 Ln. 50 – 67), a Port (“adapter port...” Col. 10 Ln. 33 – 67), a Queuing Function (PMI 20 Col. 10 Ln. 40 – 67, GAM primitives Col. 14, Ln. 1 – 19), a Notification Function (GAM Col. 11 Ln. 33 – 37), and characterized, in that the BEBM handles all events ordering and accounting for the processor (GAM 18 Col. 10 Ln. 42 – 44, Col. 11 Ln. 22 – 25, “packet enqueue/dequeue...” Col. 14 Ln. 1 – 4).

As to claim 2, Chang teaches a Type (“packet traffic type...” Col. 20 Ln. 38 – 41), Event Priority (“priority...” Col. 4 Ln. 63 – 67) and Acknowledgment (Queue Status Register “ON” Col. 31 Ln. 62 – 67, “ON...” Col. 32 Ln. 57 – 67).

As to claim 3, Chang teaches acknowledgment as having multiple states (“ON...” Col. 32 Ln. 1 – 10, (“ON...” Col. 32 Ln. 57 – 67) and Processor Unaware State (“ON...” Col. 31 Ln. 62 – 67).

As to claim 4, Chang teaches a state of processor aware (“ON...” Col. 32 Ln. 57 – 67, Col. 33 Ln. 39 – 43).

As to claim 5, Chang teaches a Function (“OFF...” Col. 33 Ln. 1 – 9) and Ready (“further queue notification...” Col. 33 Ln. 6 – 9).

As to claim 6, claim 5 covers claim 6 and also note that buffering the process of sending the acknowledgment would be inherent because the status register is a buffer that describes the status of the processor.

As to claim 7, see the rejection claim 2.

As to claim 8, Chang teaches a Network Packet Router (“network router...” Col. 25 Ln. 45 – 49).

As to claim 9, claim 1 meets claim 1 expect for a memory.
Chang teaches a Memory (Packet Memory 16 Col. 15 Ln. 5 – 17).

As to claims 10, 18 and 26, see the rejection of claim 2.

As to claims 11, 19 and 27, see the rejection of claim 3.

As to claims 12, 20 and 28, see the rejection of claim 4.

As to claims 13, 21 and 29, see the rejection of claim 5.

As to claims 14, 22 and 30, see the rejection of claim 6.

As to claims 15, 23 and 31, see the rejection of claim 7.

As to claims 16, 24 and 32, see the rejection of claim 8.

As to claim 17, see the rejection of claim 9.

As to claim 25, see the rejection of claim 1.

Response to Arguments

2. Applicant's arguments filed 5/8/03 have been fully considered but they are not persuasive.

Applicant argues that the prior art of reference (Chang) does teach receiving event ID from an originating device.

Firstly, packets coming from a network/device inherently include an ID that uniquely identifies the packets, otherwise how would you distinguish one packet from the other. This notwithstanding, packets received via the adapter port includes packet header control information (Col. 14 Ln. 64 – 67, Col. 15 Ln. 1 – 4) that is different for every packet.

As for the argument of the prior art reference not having a port, the Examiner disagrees with this assertion.

Chang exhaustively discloses an adapter port that is used for receiving packets (Col. 10 Ln. 51 – 67, Col. 14 Ln. 36 – 46, Col. 14 Ln. 64 – 67 etc.).

Applicant also argues that the P does much of the queuing, ordering and accounting of packets to be processed. The Examiner disagrees.

Although you can find passages disclosing some control function assigned to the P, the sole responsibility of managing packets/events as they arrive from the network/device belongs to the GAM 18. Drawing Applicant's attention to column 10 lines 43 – 44 and

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column 11 lines 19 – 25, here the GAM 18 via the GAM kernel acts as a manager for the PM. The PM is the memory area that holds all incoming packets. This passage also discloses that the GAM 18 controls packet traffic and queue scheduling. This point is also emphasized upon on column 16 lines where all the functions of the GAM 18 are listed. Some of the functions are packet 34 management, queue 36 management, event control and traffic control which pretty much traverses Applicant's argument. Also, the reason for using the GAM 18 is to shield the P from the work of managing packets as they arrive and reduce the **overhead** that would otherwise be incurred (Col. 16 Ln. 30 – 57).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M – F (First Friday Off) from 8:30 am to 5:30 pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**

Charles E Anya
Examiner
Art Unit 2126